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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Miles William CARROLL et al.

Title: POLYPEPTIDE

Appl. No.: 09/533,798

Filing Date: 03/24/2000

Examiner: Laurie A. Scheiner

Art Unit: 1648

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the restriction requirement set forth in the Office Action mailed October 2, 2002, Applicants hereby provisionally elect Group III, Claims 9-12, 14 and 16 for examination, with traverse.

The traversal is on the ground that the Examiner has not established that search and examination of the entire application would constitute an undue burden. Furthermore, Group IV relates to a method of eliciting an immune response against 5T4 in a subject. The elected group is directed to a vaccine comprising 5T4. It is respectfully submitted that pursuant to the Official Gazette notice of March 26, 1996 which establishes guidelines for treatment of product and process claims in light of *In re Ochiai*, claims 13, 15 and 18-21 should be included herein for consideration on the merits. At the minimum, method of use claims of the same scope as the vaccine claims should be rejoined when the vaccine claims are found to be allowable.

Applicants, of course, reserve the right to file divisional applications covering the subject matter of non-elected claims.

If fees are due in connection with the filing of this response and no proper payment is enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If an extension of time under 37 C.F.R. § 1.136 is required and has not been accounted for, such extension is hereby requested and the fee should be charged to Deposit Account No. 19-0741.

Respectfully submitted,

Date

Jan - 2, 2003

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By

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